IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7300 OF 2005

1. Kiran Dharma Dangarkar
2. Ramchandra @ Chandar Dinkar Dangarkar ... Applicants

versus

State of Maharashtra ... Respondents

K.H.Aesankar for applicants.

R.Y.Mirza, APP for respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 21st November 2005

PC :

1. The applicants are presently in custody for offences punishable under sections 147, 148, 149, 302 and 307 of IPC.. It appears that the applicants were arrested on 24th July 2004 upon a complaint lodged by one Vasudeo Golade on the same day. There was a dispute over place of fishing, where the women folk in the village go for answering nature's call. It is alleged that when the complainant was proceeding on motor-cycle, 25-26 persons allegedly restrained him and assaulted him and others. A complaint came to be lodged on the basis of this incident

at Panvel Taluka Police Station.

2. It is contended by the learned advocate for the applicants that on the basis of the said complaint accused were arrested. The recoveries have been made. The weapon insofar as applicant no.1 is concerned is Gupti. It is recovered on 1st August 2004 (Exhibit-152). The person assaulted allegedly was one Sunil Kathavale. As far as applicant no.2 is concerned, the weapon used is Sword and it has been recovered on 31st July 2004. Applicant no.2 has assaulted Tulshiram Borade.

3. It is not disputed that on the basis of the said complaint other accused were arrested. Identical recoveries have been made at their instance. The person assaulted by other accused has succumbed to the injuries. The learned APP, on instructions of Inquiry Officer who is present in the Court, states that in all 15 accused have been enlarged on bail either on orders of this Court or of the Sessions Court. He does not dispute that they are charged with identical offences arising out of the same incident. The weapones are also more or less identical. In these circumstances, on account of parity and on

same terms and conditions, the present applicants are entitled to be released on bail.

4. Accordingly following order :-

(i) The applicants shall be enlarged on bail in connection with C.R.No.105/2004 of Panvel Taluka Police Station, subject to furnising a personal bond of Rs.15,000./- each with one surety each of the like amount;

(ii) Applicants are directed to report at Panvel Taluka Police Station once a week on every Friday between 1000 hrs. and 1200 hrs. and shall continued to do so till the trial;

(iii) Bail is granted subject to condition that the applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iv) The applicants shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicants to delay the trial may be a ground for cancellation of bail.

(v) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)